

**CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on the date below:

Date: September 22, 2004 Name: Tadashi Horie Reg. No. 40,437 Signature: 

**BRINKS  
HOFER  
GILSON  
& LIONE**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Appln. of: Motoharu MIYAKE  
Hiroshi INAMURA  
Osamu TAKAHASHI

Appln. No.: 10/807,505

Filed: March 23, 2004

For: COMMUNICATION DEVICE,  
TRANSMISSION CONTROL METHOD,  
AND PROGRAM PRODUCT

Attorney Docket No: 9683/173

Examiner: To Be Assigned

Art Unit: 2661

Mail Stop: Missing Parts  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

**TRANSMITTAL**

Sir:

**Attached is/are:**

Response to Notice to File Missing Parts (in dup.), Returned Copy of Notice to File Missing Parts, Combined Declaration and Power of Attorney, Check for \$900  
 Return Receipt Postcard

**Fee calculation:**

No additional fee is required.  
 Small Entity.  
 An extension fee in an amount of \$\_\_\_\_\_ for a \_\_\_\_\_-month extension of time under 37 C.F.R. § 1.136(a).  
 A late filing fee or oath or declaration surcharge in an amount of \$130 under 37 C.F.R. § 1.16(e).  
 A late filing fee has been calculated as shown below:

Claims as Filed	Col. 1	Col. 2
For	No. Filed	No. Extra
Basic Fee		
Total Claims	8-20	0
Indep. Claims	3-3	0
Multiple Dependent Claims Present		

\*If the difference in col. 1 is less than zero, enter "0" in col. 2.

Small Entity	
Rate	Fee
	\$ 385
x\$9=	\$
x\$43=	\$
+\$145=	\$
Total	\$

Other Than Small Entity	
Rate	Fee
or	\$ 770
or	\$
Total	\$770

**Fee payment:**

A check in the amount of \$900 to cover the above-identified fee(s) is enclosed.  
 Please charge Deposit Account No. 23-1925 in the amount of \$\_\_\_\_\_. A copy of this Transmittal is enclosed for this purpose.  
 Payment by credit card in the amount of \$\_\_\_\_\_. (Form PTO-2038 is attached).  
 The Director is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this paper (including any extension fee required to ensure that this paper is timely filed), or to credit any overpayment, to Deposit Account No. 23-1925.

Respectfully submitted,

  
Tadashi Horie (Reg. No. 40,437)

September 22, 2004  
Date



I hereby certify that this correspondence is being deposited with the United States Postal Service, with sufficient postage, as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313

on September 22, 2004

Date of Deposit

Tadashi Horie Reg. No. 40,437

Name of applicant, assignee or  
Registered Representative

*Tadashi Horie*

Signature

September 22, 2004

Date of Signature

Our Case No. 9683/173

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

Motoharu MIYAKE  
Hiroshi INAMURA  
Osamu TAKAHASHI

Serial No.: 10/807,505

Attention: Manager,  
Application Branch

Filed: March 23, 2004

For: COMMUNICATION DEVICE,  
TRANSMISSION CONTROL METHOD,  
AND PROGRAM PRODUCT

**RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION  
FILING DATE GRANTED**

Mail Stop: Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In accordance with the Notice to File Missing Parts of Nonprovisional Application dated September 1, 2004, a copy of which is attached, enclosed herewith for filing are the following documents:

Fully executed Declaration for Patent Application and Power of Attorney for the above-referenced patent application.

Applicant:

claims small entity status. See 37 CFR1.27.

is other than small entity

A Check in the amount of \$900 for:

Filing Fee of \$770.

Surcharge of \$130.

Additional Claim Fees of \$\_\_\_\_\_.

Petition for Extension of Time (37 C.F.R. § 1.136(a)) to file missing parts (in duplicate).

Other: \_\_\_\_\_.

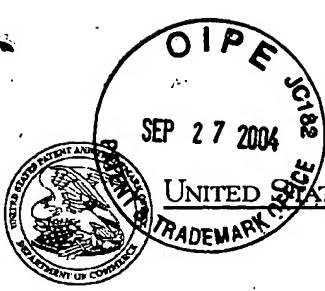
The Commissioner is hereby authorized to charge any deficiencies in fees or credit overpayment to Deposit Account No. 23-1925. A duplicate copy of this paper is enclosed.

Respectfully submitted,

Dated September 22, 2004

  
Tadashi Horie  
Registration No. 40,437  
Attorney for Applicant(s)

BRINKS HOFER GILSON & LIONE  
P.O. BOX 10395  
CHICAGO, IL 60610  
(312)321-4200



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

*BJew*

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/807,505	03/23/2004	Motoharu Miyake	9683/173

00757  
 BRINKS HOFER GILSON & LIONE  
 P.O. BOX 10395  
 CHICAGO, IL 60610

CONFIRMATION NO. 3404  
**FORMALITIES LETTER**  
  
 \*OC000000013694234\*

Date Mailed: 09/01/2004

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

### FILED UNDER 37 CFR 1.53(b)

#### *Filing Date Granted*

#### **Items Required To Avoid Abandonment:**

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 770 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).*
- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

#### **SUMMARY OF FEES DUE:**

Total additional fee(s) required for this application is **\$900** for a Large Entity

- **\$770** Statutory basic filing fee.
- **\$130** Late oath or declaration Surcharge.

09/28/2004 MBIZUNES 00000059 10807505

01 FC:1001

770.00 OP  
 130.00 OP

Replies should be mailed to: Mail Stop Missing Parts  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*

  
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE